

UTAH
BOATING LAWS & RULES
(Updated as of April 2001)
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UTAH
BOATING ACT
AND
BOARD OF PARKS & RECREATION BOATING RULES

TITLE 73, CHAPTER 18, UTAH CODE ANNOTATED 1953
As Amended

Updated as of April 2001

Note: Rules of the Board are preceded by R651

73-18-1. Statement of policy.

It is the policy of this state to regulate and promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws and to adopt and pursue an educational program in relation thereto.

73-18-2. Definitions.

As used in this chapter:

- (1) "Board" means the Board of Parks and Recreation.
- (2) "Boat livery" means an entity which holds any vessel for renting, leasing, or chartering.
- (3) "Carrying passengers for hire" means to transport persons on vessels or to lead persons on vessels for consideration.
- (4) "Consideration" means something of value given or done in exchange for something given or done by another.
- (5) "Dealer" means any person who is licensed by the appropriate authority to engage in and who is engaged in the business of buying and selling vessels or of manufacturing them for sale.
- (6) "Division" means the Division of Parks and Recreation.

(7) “Motorboat” means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

(8) “Operate” means to navigate, control, or otherwise use a vessel.

(9) “Operator” means the person who is in control of a vessel while it is in use.

(10) “Outfitting company” means any person who, for consideration:

(a) provides equipment to transport persons on rivers; and

(b) supervises guides who operate vessels to transport passengers or to lead persons on vessels.

(11) “Owner” means a person, other than a lien holder, holding a proprietary interest in or the title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest by another person, reserved or created by agreement and securing payment or performance of an obligation. The term does not include a lessee under a lease not intended as security.

(12) “Personal watercraft” means a motorboat that is:

(a) less than 16 feet in length;

(b) propelled by a water jet pump; and

(c) designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing inside the vessel.

(13) “Sailboat” means any vessel having one or more sails and propelled by wind.

(14) “Vessel” means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(15) “Wakeless speed” means an operating speed at which the vessel does not create or make a wake or white water trailing the vessel. This speed is not in excess of five miles per hour.

(16) “Waters of this state” means any waters within the territorial limits of this state.

R651-201. Definitions.

R651-201-1. Approved.

“Approved” means approved by the commandant of the United States Coast Guard, unless the context clearly requires a different meaning. For carburetor backfire flame control devices “approved” means the device is marked with one of the following: a U.S.

Coast Guard approval number; complies with Underwriters Laboratory test UL 1111; or complies with the Society of Automotive Engineers test SAE J-1928.

R651-201-2. Sailboard.

“Sailboard” means a wind-propelled vessel with a mast and sail that are held up by the operator who stands while operating the vessel.

73-18-3. Enforcement of State Boating Act to be supervised by division.

The administration and enforcement of the state boating act shall be under the supervision and direction of the division.

73-18-3.5. Advisory council.

The board may appoint an advisory council representing various boating interests to seek recommendations on state boating policies.

R651-202. Boating Advisory Council.

R651-202-1. A Boating Advisory Council, consisting of six members, has been appointed by the board to represent boaters and others in boating matters. There is one member from each of the following interests: United States Coast Guard Auxiliary, sailing or nonpowered craft users, wildlife and outdoor recreation associations, marine dealers, personal watercraft users, and river runners.

73-18-4. Board may promulgate rules.

(1) The board may promulgate rules:

(a) creating a uniform waterway marking system which shall be obeyed by all vessel operators;

R651-203. Waterway Marking System.

R651-203-1. Regulatory Markers.

An orange cross within an orange diamond, on end, means: “Boats Keep Out.”

An orange circle means: “Controlled Area.”

An orange diamond, on end, without a cross means: “Danger.”

An orange square or rectangle: “Provides Information.”

(1) The following regulatory symbols shall be international orange on a white background, and descriptive wording within or accompanying the regulatory symbols shall be in black letters.

(2) When the regulatory symbols are displayed on a buoy, an orange band should encircle the buoy near the water line and near the top.

R651-203-2. Channel Markers.

(1) White buoys with red vertical stripes mark the center of a channel and may be lettered alphabetically from downstream to upstream.

(2) Green can buoys, odd numbers, mark the left side, and red nun buoys, even numbers, mark the right side of a channel when proceeding upstream or returning from the main body of water.

R651-203-3. Mooring Buoy.

A mooring buoy is white and is designated with a blue band which is at least three inches wide and encircles the buoy halfway between the waterline and the top.

R651-203-4. Diver's Flag.

A square, red flag with a white diagonal stripe from one top corner to the opposite bottom corner should be used to indicate the presence of a diver below. A rigid replica of the International Code "A" flag not less than one meter in height may also be used. The operator of any vessel shall not approach within 150 feet of a posted diver's flag, unless the vessel is part of the equipment in use by the divers.

R651-203-5. Obeying Waterway Markers.

The operator of a vessel shall obey the markings or instructions of any official waterway marker.

73-18-4. (1)(b) regulating the placement of waterway markers and other permanent or anchored objects on the waters of this state;

R651-204. Regulating Waterway Markers.

R651-204-1. Placement of Waterway Markers.

No person shall place on or near the waters of this state any waterway marker, except a diver's flag, without written authorization by a federal agency operating within federal authority or by the division.

R651-204-2. Hazards to Navigation.

No person shall place any permanent or anchored objects on the waters of this state without written authorization by a federal agency operating within federal authority or by the division.

R651-204-3. Destruction of Waterway Markers.

No person shall remove, destroy, or damage any waterway marker authorized to be placed by a federal agency or by the division; nor shall any person moor any vessel to a waterway marker, except mooring buoys.

73-18-4. (1)(c) zoning certain waters of this state for the purpose of prohibiting the operation of vessels or motors for safety and health purposes only; and

R651-205. Zoned Waters.

R651-205-1. Obeying Zoned Waters.

The operator of a vessel shall obey zoned water requirements or restrictions.

R651-205-2. Deer Creek Reservoir.

Vessels and all other water activities are prohibited within 1500 feet of the dam.
No water skiing in Wallsberg Bay.

R651-205-3. Green River.

The use of motors is prohibited between the Flaming Gorge Dam and the confluence with Red Creek.

R651-205-4. Stansbury Park Lake.

The use of vessels over 20 feet in length and motors, except electric trolling motors, is prohibited.

R651-205-5. Lower Provo River.

The section from where it enters into Utah Lake upstream to the gas pipeline is designated as a wakeless speed area, and the use of motors is prohibited upstream from this point.

R651-205-6. Decker Lake.

The use of motors is prohibited.

R651-205-7. Palisade Lake.

The use of motors is prohibited.

R651-205-8. Ivins Reservoir.

The use of motors whose manufacture listed horsepower is 10 horsepower or more is prohibited.

R651-205-9. Jordan River.

The use of motors is prohibited.

R651-205-10. Ken's Lake.

The use of motors, except electric trolling motors, is prohibited.

R651-205-11. Pineview Reservoir.

The use of motors, except electric motors, is prohibited in the designated area in the North Arm, North Geersten Bay and the Middle Fork of the Ogden River. Vessels are prohibited in the Middle Inlet and Cemetery Point picnic areas.

R651-205-12. Jordanelle Reservoir.

The use of motorboats or sailboats is prohibited in the designated area of Hailstone Beach.

R651-205-13. Little Dell Reservoir.

The use of motors is prohibited.

R651-205-14. Bear Lake.

The use of a vessel is prohibited from July 1 through Labor Day in the area adjacent to Cisco Beach starting at the Entrance Station and extending approximately 1/4 mile south, when this area is marked with appropriate buoys.

R651-205-15. Lost Creek Reservoir.

A vessel may not be operated at a speed greater than wakeless speed at any time. 73-18-4. (1)(d) regulating vessel operators who carry passengers for hire and outfitting companies.

(2)(a) The board may set fees for licensing vessel operators who carry passengers for hire and registering outfitting companies in accordance with Section 63-38-3.2.

(b) The license and registration fees imposed pursuant to Subsection (2)(a) shall be deposited into the Boating Account created in Section 73-18-22.

R651-206. Carrying Passengers for Hire.

R651-206-1. Vessel Operator Permit.

(1) As used in this rule: "Operator Permit" means a valid Utah Vessel Operator Permit issued by the division or a valid Coast Guard Motorboat Operator License. The operator permit must be accompanied by a current and original "Standard" American Red Cross First Aid Card or equivalent and a current and original American Red Cross or American Heart Association "CPR" card.

(2) No person shall operate a vessel engaged in carrying passengers for hire on any lake or reservoir of this state unless the individual has in his possession an Operator Permit or is operating under Section R651-206-2.

(3) To obtain a Utah Vessel Operator permit, the applicant must be at least 18 years old, complete the prescribed form, possess the required first aid and CPR certification, successfully complete a written examination, pay a \$60 fee, and have 80 hours vessel operation, 20 hours of which was obtained operating an equivalent type and size of vessel which will be used for carriage of passengers. If the applicant fails to pass the written examination, there is a 7-day waiting period and a \$15 retest fee per attempt.

(4) A Utah Vessel Operator Permit is valid for three years from date of issue, unless suspended or revoked.

(5) A Utah Vessel Operator Permit may be renewed up to six months prior to expiration, upon completion of the prescribed form, presentation of required first aid and CPR certification and payment of a \$45 fee. The renewed permit shall have the same month and day expiration date as the original permit.

(6) A Utah Vessel Operator Permit which has expired shall not be renewed but is required to obtain a new permit as outlined above.

(7) In the event a Utah Vessel Operator Permit is lost or stolen, a duplicate permit may be issued with the same expiration date as the original permit upon completion of the prescribed form, payment of a \$25 fee. An application for a duplicate permit must have original signatures and be accompanied by original documentation of required first aid and CPR certification.

(8) Current Utah Vessel Operator Permit holders shall notify the Division, within 30 days, of any change of address.

(9) A Utah Vessel Operator Permit may be suspended or revoked for a length of time determined by the division director, or individual designated by the division director, if one of the following occurs:

(a) the permit holder is convicted of boating under the influence of alcohol or any drug, or refuses to submit to any chemical test which determines blood or breath alcohol content;

(b) the permit holder's negligence causes personal injury or death as determined by due process of the law;

(c) the permit holder is convicted of three violations of Title 73 Chapter 18 or rules promulgated thereunder during a three-year period; or

(d) the division determines that the permit holder intentionally provided false or fictitious statements or qualifications to obtain the permit.

(10) A person shall not operate an unfamiliar vessel carrying passengers for hire or operate on unfamiliar water unless there is an operator permit holder aboard who is familiar with the vessel and the water area.

(11) A valid Coast Guard Motorboat Operator License must be possessed if engaging in carrying passengers for hire on Bear Lake, Flaming Gorge, or Lake Powell.

R651-206-2. River Guide Permit.

(1) As used in this rule:

(a) "Agent" means a person(s) designated by an outfitting company to act in behalf of that company in certifying a river guide's experience.

(b) “Certifying experience” means river running experience obtained within ten years of the date of application for the guide permit.

(c) “Guide 1” means a nonrestrictive river guide permit.

(d) “Guide 2” means a restricted river guide permit, which is valid only on other rivers.

(e) “Guide 3” means an apprentice river guide permit, which is valid only when the holder is accompanied on the whitewater river by a qualified Guide 1 permit holder. A Guide 3 permit is also valid on other rivers but must be accompanied by either a Guide 1 or 2 permit holder.

(f) “Guide 4” means a restricted apprentice river guide permit, which is valid only on other rivers when the holder is accompanied on the trip by a qualified Guide 1 or 2 permit holder.

(g) “Guide permit” means a valid Guide 1, 2, 3, or 4 permit issued by the division for carrying passengers for hire. For a Guide 1 or 2 permit to be valid they must be accompanied by a current “Emergency Response” American Red Cross First Aid Card or equivalent and an American Heart Association or and American Red Cross “CPR” Card. For a Guide 3 or 4 permit to be valid they must be accompanied by a current “Standard” American Red Cross First Aid Card or equivalent and an American Heart Association or an American Red Cross “CPR” Card. A photo copy of both sides of the required first aid and CPR certification cards is allowed.

(h) “Low capacity vessel” means a vessel with a carrying capacity of three or fewer occupants (e.g., canoe, kayak, inflatable kayak or similar vessel).

(i) “Other rivers” means all rivers, river sections, or both in Utah not defined in Subsection R651-206-2(1) as a whitewater river.

(j) “Whitewater river” means the following river sections: the Green and Yampa rivers within Dinosaur National Monument, the Green River in Desolation-Gray Canyon (Mile 96 to Mile 20), the Colorado River in Westwater Canyon, the Colorado River in Cataract Canyon, or other division recognized whitewater rivers in other states.

(2) No person shall operate a vessel engaged in carrying passengers for hire on any river of this state unless that person has in his possession the appropriate valid river guide permit. For low capacity vessels not operated by but led by a guide permit holder, there shall be at least one qualified guide permit holder for every four low capacity vessels being led in the group.

(3) To qualify for a Guide 1 permit, the applicant must be at least 18 years of age, complete the prescribed form, be current in the required first aid and CPR certification, successfully complete a written examination, pay a \$30 fee and have operated a vessel on at least nine whitewater river sections. If the applicant fails to pass the written examination, there is a 7-day waiting period and a \$15 retest fee per attempt.

(4) To qualify for a Guide 2 permit, the applicant must be at least 18 years of age, complete the prescribed form, be current in the required first aid and CPR certification, successfully complete a written examination, pay a \$30 fee and have operated a vessel on at least six river sections. If the applicant fails to pass the written examination, there is a 7-day waiting period and a \$15 retest fee per attempt.

(5) To qualify for a Guide 3 permit, the applicant must be at least 18 years of age, complete the prescribed form, be current in the required first aid and CPR certification, pay a \$20 fee and have operated a vessel on at least three whitewater river sections.

(6) To qualify for a Guide 4 permit, the applicant must be at least 18 years of age, complete the prescribed form, be current in the required first aid and CPR certification, pay a \$20 fee and have operated a vessel on at least three river sections.

(7) Any person applying for a duplicate, renewal, or a new guide permit shall be employed by or be a prospective employee of an outfitting company currently registered with the division. The applicant shall be sponsored by the outfitting company, or be currently employed and sponsored by a federal, state or county agency. Permit applications must have original signatures and be accompanied by original documentation of required first aid and CPR certification.

(8) Guide 3 and 4 permits shall expire annually on December 31. Guide 1 and 2 permits shall expire three years from date of issuance.

(9) Guide 1 or 2 permits may be renewed up to six months prior to expiration upon completion of the prescribed form, presentation of current guide permit, required first aid and CPR certification, and payment of a \$30 fee. The renewed permit shall have the same month and day expiration date as the original permit. Any Guide 1 or 2 permit holder whose permit has expired shall be required to obtain a new Guide 1 or 2 permit as outlined above.

(10) In the event a guide permit is lost or stolen a duplicate guide permit may be issued with the same expiration date as the original permit upon completion of the prescribed form, furnishing the required information as described in (7) above and payment of the required fee. The fee shall be \$15 for a guide 1 or 2 permit and \$15 for a guide 3 or 4 permit.

(11) All boatman permits issued by the division are expired.

(12) Current Guide Permit holders shall notify the Division, within 30 days, of any change of address.

(13) A guide permit holder shall not carry passengers for hire on his first trip on an unfamiliar river unless there is a qualified Guide 1 or 2 permit holder aboard who has operated a similar vessel on that river segment.

(14) A guide permit may be suspended or revoked for a length of time determined by the division director, or individual designated by the division director, if one of the following occurs:

- (a) the guide permit holder is convicted of boating under the influence of alcohol or any drug, or refuses to submit to any chemical test which determines blood or breath alcohol content;

- (b) the guide permit holder's negligence causes personal injury or death as determined by due process of the law;

- (c) the guide permit holder is convicted of three violations of Title 73 Chapter 18 or rules promulgated thereunder during a three-year period;

- (d) the division determines that the guide permit holder intentionally provided false or fictitious statements or qualifications to obtain the guide permit; or

- (e) a guide permit holder has utilized a private river trip permit for carrying passengers for hire and has been prosecuted by the issuing agency and found guilty of the violation.

(15) Every outfitting company carrying passengers for hire on any river of this state shall register with the division annually prior to commencement of operation. The registration requires the completion of the prescribed form and providing the following: evidence of registration with the Department of Commerce, evidence of river trip authorization from the appropriate controlling state or federal agency, and payment of a \$200 fee.

(16) The agent shall certify and guarantee that each river guide sponsored by the outfitting company that he represents has obtained the necessary experience, as required above, depending on the type of guide permit applied for.

(17) An outfitting company's division registration may be suspended or revoked for a length of time determined by the division director, or individual designated by the division director, if one of the following occurs:

- (a) the outfitting company's or agent's negligence caused personal injury or death as determined by due process of the law;

(b) the outfitting company or agent is convicted of three violations of Title 73 Chapter 18 or rules promulgated thereunder during a calendar year period;

(c) false or fictitious statements were certified or false qualifications were used to qualify a person to obtain a guide permit for an employee or others;

(d) the division determines that the outfitting company intentionally provided false or fictitious statements or qualifications when registering with the division;

(e) an outfitting company has utilized a private river trip permit for carrying passengers for hire and have been prosecuted by the issuing agency and found guilty of the violation; or

(f) the outfitting company used a guide without a valid guide permit or without the appropriate guide permit while engaging in carrying passengers for hire.

73-18-5. Repealed.

73-18-6. Numbering of motorboats and sailboats required -- Exceptions.

(1) Every motorboat and sailboat on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any motorboat or sailboat on the waters of this state unless the motorboat or sailboat is numbered in accordance with:

(a) this chapter;

(b) applicable federal law; or

(c) a federally-approved numbering system of another state, if the owner is a resident of that state and his motorboat or sailboat has not been in this state in excess of 60 days for the calendar year.

(2) The number assigned to a motorboat or sailboat in accordance with this chapter, applicable federal law, or a federally-approved numbering system of another state shall be displayed on each side of the bow of the motorboat or sailboat, except this requirement does not apply to any vessel which has a valid marine document issued by the United States Coast Guard.

73-18-7. Registration requirements -- Exemptions -- Agents -- Records public --Period of registration and renewal -- Expiration -- Notice of transfer of interest or change of address -- Duplicate registration card -- Invalid registration -- Powers of board.

(1)(a) Each motorboat and sailboat on the waters of this state shall be registered, unless it is exempt from registration as provided for in Section 73-18-9.

(b) A person may not place, or give permission for the placement of, a motorboat or sailboat on any waters of this state or operate or give permission for the operation of a motorboat or sailboat on the waters of this state, unless the motorboat or sailboat is registered in accordance with this chapter or is exempt from registration as provided for in Section 73-18-9.

(2)(a) The owner of each motorboat or sailboat required to be registered by this state shall file an application for registration with the division on forms approved by the division.

(b)(i) The application shall be signed by the owner of the motorboat or sailboat and accompanied by a fee set by the board.

(ii) This fee may not exceed \$10 per year.

(c) The division, before issuing a registration card and registration decals, shall require from each applicant a certificate from the county assessor of the county in which the motorboat or sailboat has situs for taxation containing one of the following statements:

(i) the property tax on the motorboat or sailboat for the current year has been paid;

(ii) in the county assessor's opinion, the property tax is a lien on real property sufficient to secure the payment of the property tax; or

(iii) the motorboat or sailboat is exempt by law from payment of property tax for the current year.

R651-207. Registration Fee.

R651-207-1. The registration fee shall be \$10 per year.

73-18-7. (3)(a) Upon receipt of the application in the approved form, the division shall record the receipt and issue to the applicant registration decals and a registration card which state the number assigned to the motorboat or sailboat and the name and address of the owner.

(b) The registration card shall be available for inspection on the motorboat or sailboat for which it was issued, whenever that motorboat or sailboat is in operation.

(4) The assigned number shall:

(a) be painted or permanently attached to each side of the forward half of the motorboat or sailboat;

- (b) consist of plain vertical block characters of not less than three inches in height;
- (c) contrast with the color of the background and be distinctly visible and legible;
- (d) have spaces or hyphens equal to the width of a letter between the letter and numeral groupings; and
- (e) read from left to right.

R651-208. Backing Plates.

R651-208-1. On vessels where an assigned number on the hull or superstructure would not be visible or where the type of hull material used would make it impractical to attach an assigned number, the assigned number and registration decals may be mounted on a backing plate and displayed as required in Subsection 73-18-7 (4) of the Utah Code Annotated and Rule R651-212.

73-18-7. (5) Any vessel which has a valid marine document issued by the United States Coast Guard is exempt from the number display requirements of Subsection (4).

(6) The nonresident owner of any motorboat or sailboat already covered by a valid number, which has been assigned to it pursuant to federal law or a federally-approved numbering system of his resident state, shall be exempt from registration while operating the motorboat or sailboat on the waters of this state unless he is operating in excess of the reciprocity period provided for in Subsection 73-18-9 (1).

(7)(a) If the ownership of a motorboat or sailboat changes, a new application form with the fee shall be filed with the division and a new registration card and registration decals shall be issued in the same manner as provided for in Subsections (2) and (3).

(b) The current number assigned to the vessel shall be reassigned to the new owner to display on the motorboat or sailboat.

(8) If the United States Coast Guard has in force an overall system of identification numbering for motorboats or sailboats within the United States, the numbering system employed under this chapter by the board shall be in conformity with that system.

(9) The division may authorize any person to act as its agent for the registration of motorboats and sailboats. Any number assigned and any registration card and registration decals issued by an agent of the division in conformity with this chapter and rules of the board shall be valid.

(10)(a) All records of the division made or kept pursuant to this section shall be classified by the Motor Vehicle Division in the same manner as motor vehicle records are classified under Section 41-1a-116.

(b) Division records are available for inspection in the same manner as motor vehicle records pursuant to Section 41-1a-116.

(11) Each registration, registration card, and decal issued under this chapter shall continue in effect for a period set by the board. A registration may be renewed by the owner in the same manner provided for in the initial application. The current number assigned to the vessel shall be reassigned when the registration is renewed.

(12) The board shall fix a day and month of the year on which registrations, registration cards, and registration decals expire.

R651-209. Registration Expiration.

R651-209-1. The registration decals and cards shall expire annually on the last day of April.

73-18-7. (13)(a) The owner shall notify the division of the transfer of all or any part of his interest, other than creation of a security interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3) or of the destruction or abandonment of the motorboat or sailboat.

(b) This notification must take place within 15 days of the transfer, destruction, or abandonment

(c) The transfer, destruction, or abandonment of a motorboat or sailboat terminates its registration except that in the case of a transfer of a part interest which does not affect the owner's right to operate a motorboat or sailboat, the transfer shall not terminate the registration.

(14)(a) The registered owner shall notify the division within 15 days if his address changes from the address appearing on the registration card and shall, as a part of this notification, furnish the division with his new address.

(b) The board may provide in its rules for the surrender of the registration card bearing the former address and its replacement with a new registration card bearing the new address, or for the alteration of an outstanding registration card to show the new address of the holder.

R651-210. Change of Address.

R651-210-1. The registered owner of a motorboat or sailboat, after notifying the division or agent of the division of his change of address, shall note the new address on his current registration card.

73-18-7. (15)(a) If the registration card is lost or stolen, a fee of \$4 may be collected by the division for the issuance of a duplicate.

(b) If the registration decals are lost or stolen, a fee of \$3 may be collected by the division for the issuance of duplicate decals.

(16) No number other than the number assigned to a motorboat or sailboat or a number for a motorboat or sailboat granted reciprocity under this chapter may be painted, attached, or otherwise displayed on either side of the bow of a motorboat or sailboat.

(17) A motorboat or sailboat registration and number shall be invalid if obtained by knowingly falsifying an application for registration.

(18) The board may:

(a) designate the suffix to assigned numbers;

R651-211. Assigned Numbers.

R651-211-1. The assigned number will consist of the prefix letters, "UT", to designate the State of Utah, one to four numerals, and two suffix letters to designate county or other information. The suffix letters are: AB - Airboat; BV - Beaver; BE - Box Elder; CA - Cache; CC and CN - Carbon; DG - Daggett; DA, DB, and DC - Davis; DL - marine dealer or manufacturer; DU - Duchesne; EM - Emery; EX - Exempt; GA - Garfield; GR - Grand; RN - Iron; JU - Juab; KA - Kane; MD - Millard; MN - Morgan; PT - Piute; RH - Rich; SA, SB, SC, SD, SG, SH, SL and ST - Salt Lake; SJ - San Juan; SP - San Pete; SE and SF - Sevier; SU - Summit; TE - Tooele; UN - Uintah; UA, UB and UT - Utah; WA - Wasatch; WN - Washington; WE and WY - Wayne; WB, WC and WD - Weber.

73-18-7. (18)(b) adopt rules for the display of registration decals;

R651-212. Display of Registration Decals.

R651-212-1. A registration decal shall be displayed three inches aft of the assigned number on each side of the vessel. On documented vessels, decals shall be displayed on each side of the forward half of the vessel. Only current-year registration decals may be displayed.

73-18-7. (18)(c) adopt rules for the issuance and display of dealer numbers and registrations; and

R651-213. Dealer Numbers and Registrations.

R651-213-1.

(1) Each person acting as a vessel dealer who has an established place of business and is engaged in the business of selling motorboats and/or sailboats shall make application to the Division of Motor Vehicles, who is acting as agent for the division, to obtain dealer numbers and registration decals.

(2) The application shall contain the following information:

(a) the name of the business;

(b) the business address;

(c) the business owner's name (if the business is a corporation, the names of the principal officers of the corporation);

(d) the type of vessels offered for sale; and

(e) the manufacture line of vessels which the dealer holds franchise from the manufacturer to sell. Attached to the application shall be copies of the appropriate city, county, and state licenses required to do business in this state.

(3) Upon filing the application by the dealer, the Division of Motor Vehicles may assign dealer numbers and registration decals to the dealer.

(4) Dealer numbers and registration decals are valid only when demonstrating a motorboat or sailboat to a prospective purchaser and the dealer or employee of the dealer is present during the demonstration.

(5) Every vessel dealer who obtains dealer numbers and registration decals is responsible to maintain the numbers and to control their use.

(6) Dealer numbers and registration decals are not valid on any vessel which is a rental or lease unit, or on a vessel which is not part of the dealer inventory and available for immediate sale.

(7) Dealer numbers and registration decals shall not be permanently attached to any vessel, but shall be mounted and displayed on a backing plate.

(8) If the Division of Motor Vehicles has reasonable grounds to believe that a dealer has failed to comply with any of the above provisions, after notice to the dealer and a hearing, dealer numbers and registration decals may be suspended. Upon suspension, the dealer will surrender all of his dealer numbers and registration decals to the Division of Motor Vehicles within 15 days.

73-18-7. (18)(d) adopt rules for the issuance and display of temporary registrations.

R651-214. Temporary Registration

R651-214-1.

(1) A vessel dealer may apply for temporary registrations to be used on motorboats or sailboats sold by his business. The application to obtain temporary registrations is the same as outlined in Section R651-213 (1).

(2) Each temporary registration will be valid for a period not to exceed 30 days from date of issue.

(3) A temporary registration will not be valid on any motorboat or sailboat held in the dealer's inventory for sale or any motorboat or sailboat not sold by the same dealer who issued the registration.

(4) A dealer shall not issue more than one temporary registration for any motorboat or sailboat.

(5) A dealer who obtains temporary registrations will be responsible for their issuance and is required to maintain records of each registration obtained and issued. Dealer records will contain a description of the vessel sold, the name and address of the purchaser, and the date issued.

(6) Temporary registration records kept by the dealer shall be made available for inspection and audit by authorized agents of the Division of Motor Vehicles during regular business hours.

(7) If the Division of Motor Vehicles has reasonable grounds to believe that a dealer has failed to comply with any of the above provisions, after notice to the dealer and a hearing, temporary registration issuance privileges may be canceled. Upon cancellation, the dealer will surrender all unissued temporary registrations to the Division of Motor Vehicles within 15 days.

73-18-7.1. Fraudulent application for registration or certificate of title.

A person is guilty of a third degree felony if he:

(1) fraudulently uses a false or fictitious name in any application for a registration or certificate of title for a motorboat, sailboat, or outboard motor; or

(2) in making an application specified in Subsection (1), he:

(a) knowingly makes a false statement;

- (b) knowingly conceals a material fact; or
- (c) otherwise commits a fraud.

73-18-7.2. Falsified registration or certificate of title.

It is a third degree felony for any person to:

- (1) alter with fraudulent intent any motorboat or sailboat certificate of title, registration card, or registration decal or outboard motor certificate of title issued by the division or its authorized agent;
- (2) forge or counterfeit any motorboat or sailboat certificate of title, registration card, or registration decal or outboard motor certificate of title purporting to have been issued by the division or its authorized agent;
- (3) alter, falsify, or forge any assignment upon a motorboat, sailboat, or outboard motor certificate of title; or
- (4) hold or use any motorboat or sailboat certificate of title, registration card, or registration decal or outboard motor certificate of title knowing it has been altered, forged, or falsified.

73-18-7.3. Suspension or revocation of a registration or certificate of title.

The division or its authorized agent may suspend or revoke the registration or certificate of title of a motorboat, sailboat, or outboard motor if:

- (1) the division or its authorized agent determines that the registration or certificate of title was fraudulently or erroneously issued;
- (2) the division or its authorized agent determines that a registered motorboat or sailboat is mechanically unfit or unseaworthy for operation on the waters of this state;
- (3) a registered motorboat or sailboat has been dismantled or wrecked so that it loses its character as a vessel;
- (4) the division or its authorized agent determines that the required registration or titling fee has not been paid or is not paid upon reasonable notice and demand;
- (5) a registration decal or number is knowingly displayed upon a motorboat or sailboat other than the one for which the decal or number was issued;

(6) the division or its authorized agent determines that the owner has committed any offense under this chapter or Title 41, Chapter 1a Part 5, involving the registration or certificate of title of a motorboat, sailboat, or outboard motor; or

(7) the division or authorized agent is so authorized under any other provision of law.

73-18-7.4. Canceled, suspended, or revoked registration or certificate of title to be returned.

If the division or its authorized agent cancels, suspends, or revokes the registration or certificate of title of a motorboat, sailboat, or outboard motor, the owner shall immediately return the canceled, suspended, or revoked registration card, registration decal, or certificate of title to the division or authorized agent.

73-18-8. Safety equipment required to be on board vessels.

(1)(a) Except as provided in Subsection (1)(c), each vessel shall have, for each person on board, one personal flotation device which is approved for the type of use by the commandant of the United States Coast Guard.

(b) Each personal flotation device shall be:

(i) in serviceable condition;

(ii) legally marked with the United States Coast Guard approval number;
and

(iii) of an appropriate size for the person for whom it is intended.

(c)(i) Sailboards are exempt from the provisions of Subsection (1)(a).

(ii) The board may exempt certain types of vessels from the provisions of Subsection (1)(a) under certain conditions or upon certain waters.

R651-215. Personal Flotation Devices.

R651-215-1. Definitions.

(1) "PFD" means personal flotation device.

(2) "Vessel length" is the measurement of the permanent part of the hull, from bow to stern, across the deck down the centerline, excluding sheer.

(3) "Wear" means to have the PFD properly worn with all fasteners connected.

(4) "Whitewater canoe" means a one or two person capacity hard hulled canoe designed for whitewater activities and is equipped with: floatation (e.g., factory end

chambers or float bags) and thigh straps or retention devices to hold the operator(s) in the vessel if it rolls.

R651-215-2. PFD Requirements for Vessels Less than 16 Feet in Length.

No person shall operate or give permission for the operation of a vessel less than 16 feet in length unless there is at least one type I, II, or III PFD for each person on board.

R651-215-3. PFD Requirements for Vessels 16 Feet or More in Length.

No person shall operate or give permission for the operation of a vessel 16 feet or more in length unless there is at least one type I, II, or III PFD for each person on board. In addition to the total number of PFD's, there shall also be one Type IV PFD on board.

R651-215-4. Types of Personal Flotation Devices.

Type I - Life Preserver - has 20 pounds of flotation and will turn an unconscious person face up. Acceptable for use on all vessels.

Type II - Buoyant Vest - has 15.5 pounds of flotation and will turn most unconscious persons face up.

Type III - Special Purpose - has 15.5 pounds of buoyancy. There are many special designs for water sports.

Type IV - Throwable - has 16.5 pounds of flotation and is designed to be thrown, not worn. Must have as an additional device on vessels 16 feet or more in length.

Type V - Restricted Special Purpose Devices - approved only for the activities listed on the label.

R651-215-5. Immediately Available and Readily Accessible.

Type IV PFDs shall be immediately available; all other types of PFD shall be readily accessible, unless wearing is required.

R651-215-6. Type V PFD Carried in Lieu.

A Type V PFD may be carried in lieu of any required PFD, but only if the Type V PFD is approved for the activity in which the vessel is being used.

R651-215-7. Whitewater River PFD Requirements.

On whitewater rivers, as defined in Subsection R651-206-2 (1), Type I or Type III PFDs, if approved on the label for the activity, are required.

R651-215-8. Carrying Passengers for Hire PFD Requirements on Rivers.

On rivers, if carrying passengers for hire, Type I PFDs are required, except kayak or whitewater canoe operators or a working river guide may wear a Type III PFD, if

approved on the label for this activity. The required Type IV PFD shall be a ring life buoy on vessels 26 feet or more in length.

R651-215-9. River Throw Bag in Lieu of Type IV PFD.

On rivers, in lieu of the Type IV PFD requirement, a throw bag with a minimum of 40 feet of line may be carried.

R651-215-10. Passengers for Hire PFD Requirements.

When carrying passengers for hire, except on rivers, Type I PFDs are required. The required Type IV PFD shall be a ring life buoy on vessels 26 feet or more in length.

73-18-8. (1)(d) The board may require by rule for personal flotation devices to be worn:

- (i) while a person is on board a certain type of vessel;
- (ii) by a person under a certain age; or
- (iii) on certain waters of this state.

R651-215-11. Required Wearing of PFDs.

(1) An inflatable PFD may not be used to meet the requirements of this Section.

(2) All persons on board a personal watercraft shall wear a PFD.

(3) The operator of a vessel under 19 feet in length shall require each passenger 12 years of age or younger to wear a PFD. This rule is also applicable to vessels 19 feet or more in length, except when the child is inside the cabin area.

(4) On rivers, every person on board a vessel shall wear a PFD, except PFDs may be loosened or removed by persons 13 years of age or older on designated flat water areas as listed in Section R651-215-12. When carrying passengers for hire, the river guide is responsible for the passengers on his vessel to be in compliance with this Subsection.

R651-215-12. River Flat Water Areas.

(1) On the Green River:

(a) from Red Creek Camp below Red Creek Rapids to the Indian Crossing Boat Ramp;

(b) from 100 yards below Taylor Flats Bridge to the Utah/Colorado state line in Browns Park;

(c) within Dinosaur National Monument, from the mouth of Whirlpool Canyon to the head of Split Mountain Gorge;

(d) from the mouth of Split Mountain to Jack Creek in Desolation Canyon; and

(e) from the Green River Diversion Dam below Gray Canyon to the confluence with the Colorado River.

(2) On the Colorado River:

(a) from the Colorado/Utah state line to the Westwater Ranger Station;

(b) from Big Hole Canyon in Westwater Canyon to Onion Creek;

(c) from Drinks Canyon, mile 70, to the confluence with the Green River;
and

(d) after the last active rapid in Cataract Canyon.

(3) On the San Juan River, after the last active rapid prior to Lake Powell.

73-18-8. (1)(e) For vessels 16 feet or more in length, there shall also be on board, one Type IV throwable personal flotation device which is approved for this use by the commandant of the United States Coast Guard.

(2) Each vessel shall display navigation lights when the vessel is on the waters of this state between sunset and sunrise.

R651-216. Navigation Lights.

Figure 1

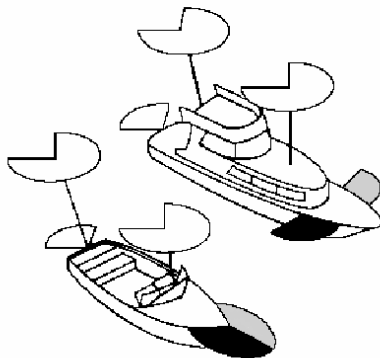
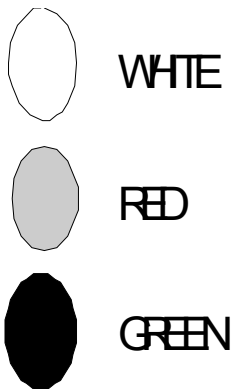


Figure 2

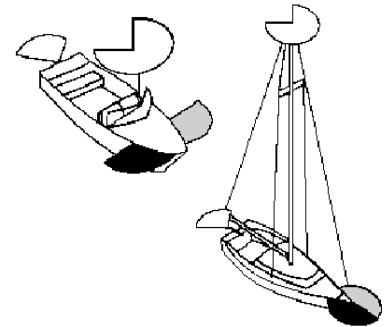


Figure 3

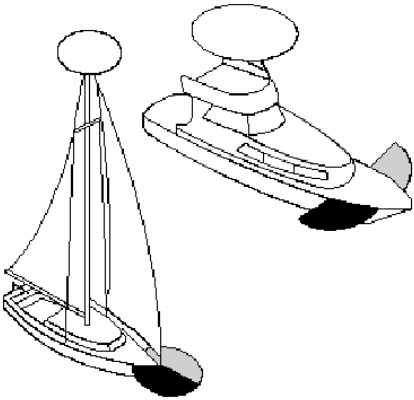


Figure 4

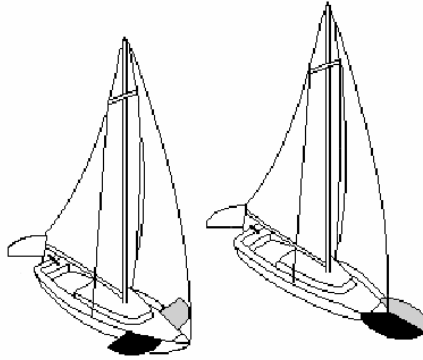


Figure 5

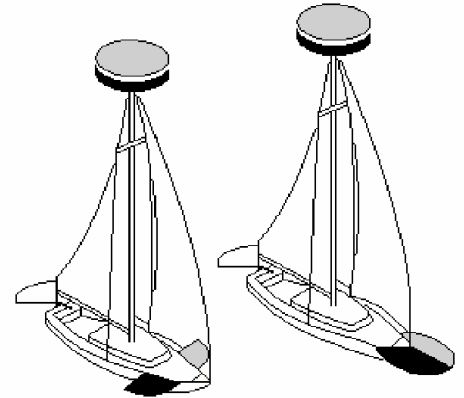


Figure 6

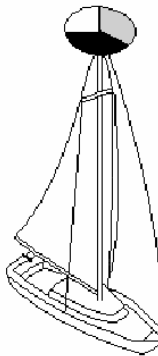


Figure 7



R651-216-1. Motorboats less than 40 feet in length shall exhibit the navigation lights shown in either figure 1, 2, or 3.

R651-216-2. Motorboats 40 feet to less than 65 feet in length shall exhibit the navigation lights shown in either figure 1 or 2.

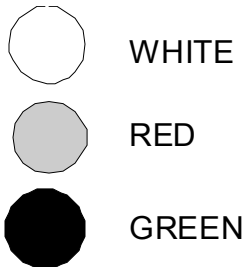
R651-216-3. Sailboats shall exhibit the navigation lights shown in either figure 4, 5, or 6.

R651-216-4. A sailboat under motor power shall exhibit the motorboat navigation light requirements.

R651-216-5. A vessel manually propelled may exhibit the navigation lights required for sailboats or have ready at hand a flashlight or lighted lantern showing a white light which shall be displayed in sufficient time to prevent collision (figure 7).

R651-216-6. Vessels at anchor shall display an all-round white anchor light unless anchored in a designated mooring area.

R651-216-7. Visible Range.



Location of lights on vessel	Visible range		Number of Arc Lights
	Less than 12 m.	12m. out less than 20m.	
Mooring	2	1	2000
All round	2	2	3000
Side lights	1	2	11250 each color
Green light	2	2	1500

73-18-8. (3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in any enclosure for any purpose, the vessel must be equipped with an efficient natural or mechanical ventilation system which is capable of removing resulting gases prior to and during the time the vessel is occupied by any person.

(4) Each vessel shall have fire extinguishing equipment on board.

R651-217. Fire Extinguishers.

R651-217-1. All motorboats, unless exempt, must have on board the approved fire extinguisher as specified in Rule R651-217-2.

R651-217-2. Fire Extinguishers Required.

<u>Length of Motorboat</u>	<u>Number/Size</u>
Less than 26 feet in length *	1/B-I
26 feet to less than 40 feet in length	2/B-I or 1/B-II
40 feet to 65 feet in length	3/B-I or 1/B-I & 1/B-II

* If an outboard motorboat of open construction and not carrying passengers for hire, a fire extinguisher is not required (see Rule R651-217-5).

R651-217-3. Fire Extinguisher Types.

<u>Listing</u>	<u>Types: Foam</u>	<u>Carbon Dioxide</u>	<u>Dry Chemical</u>	<u>Halon</u>
B-I	1.25 gal	4 lbs	2 lbs	2.5 lbs
B-II	2.5 gal	15 lbs	10 lbs	10 lbs

R651-217-4. When the engine compartment is equipped with a fixed extinguishing system, one less B-I extinguisher is required.

R651-217-5. An outboard motorboat is not considered “of open construction” if any one of the following conditions exist: closed compartment under thwarts (motor well) and seats where portable fuel tanks may be stored; double bottoms not sealed to the hull or which are not completely filled with flotation material; closed living spaces; closed stowage compartments in which combustible or flammable materials are stored; or permanently installed fuel tanks.

73-18-8. (5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame control device.

R651-218. Carburetor Backfire Flame Control.

R651-218-1.

(1) The following are acceptable means of backfire flame control:

(a) an approved flame arrestor secured to the air intake with flametight connection;

(b) an approved engine air and fuel induction system; or

(c) an attachment to the carburetor or location of the engine air induction system where a flame caused by engine backfire will be dispersed outside the vessel in a manner that the flame will not endanger the vessel or passengers. All attachments shall be of metallic construction with flametight connections and secured to withstand vibration, shock, and engine backfire.

73-18-8. (6) The board may:

(a) require additional safety equipment by rule; and

(b) adopt rules conforming with the requirements of this section which govern specifications for and the use of safety equipment.

R651-219. Additional Safety Equipment.

R651-219-1. Sound Producing Device.

(1) Vessels 16 feet to less than 40 feet in length shall have on board a means of making an efficient sound, horn or whistle, capable of a four-to-six-second blast.

(2) Vessels 40 feet to less than 65 feet in length shall have on board a horn and a bell. The horn shall be capable of a four-to-six-second blast and audible for one half mile. The bell shall be designed to give a clear tone.

R651-219-2. Bailing Device.

All vessels, not of self-bailing design, shall have on board an adequate bail bucket or be equipped with a mechanical means for pumping the bilge.

R651-219-3. Spare Propulsion.

Vessels less than 21 feet in length shall have on board at least one spare motor, paddle or oar capable of maneuvering the vessel when necessary. On rivers when one-or-two-man capacity vessels less than 16 feet in length are traveling in a group, the above requirement may be met by carrying one spare oar or paddle for every three vessels in the group. On hard hulled white water kayaks, paddles designed to be strapped to or worn on the hand meet this requirement.

R651-219-4. Airboat Requirements.

Airboats operated on the Great Salt Lake and adjacent refuges shall also have on board a compass and one of the following: approved flares, a strobe light, or other visual distress signal.

R651-219-5. Equipment Good and Serviceable.

All required safety equipment shall be in good and serviceable condition.

R651-219-6. Law Enforcement Vessels.

No vessel operator except authorized law enforcement and emergency vessel operators may display red or blue flashing lights or sound a siren on any waters of this state.

R651-219-7. Equipment Exemptions.

(1) Sailboards and personal watercraft are exempt from the following rules: Section R651-219-2 bail buckets; Section R651-219-3 spare paddles; and Section R651-225-4 prohibiting riding on exterior surfaces.

(2) Vessels owned by the Lagoon Corporation and operated by its employees or customers under the controlled use and confines of the Lagoon Amusement Park waterways are exempt from the following sections: R651-215-11 (3), R651-219-2, and R651-219-3.

(3) Vessels owned by the Salt Lake Airport Hilton Inn and operated by its employees or customers under the controlled use and confines of the Salt Lake Airport Hilton Inn waterways are exempt from the following sections: R651-219-2 and R651-219-3.

(4) Racing vessels participating in a sanctioned race may be exempted from certain equipment requirements by the division upon written request to the division. The equipment exemption shall only be in effect the day before and the day of the race if conditions of the exemption are met.

73-18-8. (7) A person may not operate or give permission for the operation of a vessel which is not equipped as required by this section or rules promulgated under this section.

73-18-8.1. Capacity and certification label.

(1) Each vessel manufactured after November 1, 1972, which is less than 20 feet in length, except a sailboat, canoe, kayak, inflatable vessel, or homemade motorboat must have a United States Coast Guard capacity and certification label permanently affixed to the vessel and clearly visible to the operator when boarding or operating the vessel. The capacity and certification information may be combined together and displayed on one label.

(2) No person shall operate, or give permission for the operation of, any vessel on the waters of this state if it is loaded or powered in excess of the maximum capacity information on the United States Coast Guard capacity label.

(3) No person shall alter, deface, or remove any United States Coast Guard capacity or certification information label affixed to a vessel.

(4) No person shall operate, or give permission for the operation of, a vessel on the waters of this state if the required United States Coast Guard capacity or certification information label has been altered, defaced, or removed.

73-18-9. Exemptions from registration.

Registration under this chapter is not required for any of the following:

(1) a motorboat or sailboat already covered by a valid registration issued by its nonresident owner's resident state and it has not been within this state in excess of 14 days for the calendar year;

(2) a motorboat or sailboat from a country other than the United States temporarily using the waters of this state;

(3) a motorboat or sailboat whose owner is the United States, a state or subdivision thereof;

(4) a ship's lifeboat; or

(5) a motorboat or sailboat belonging to a class of vessels which is exempted from registration by the board after the board finds:

(a) that the registration of motorboats or sailboats of this class will not materially aid in their identification; and

(b) that the United States Coast Guard has a numbering system applicable to the class of motorboats or sailboats to which the motorboat or sailboat in question belongs, and the motorboat or sailboat would also be exempt from numbering if it were subject to federal law.

R651-220. Registration and Numbering Exemptions.

R651-220-1. Racing vessels owned by nonresidents, if not required to be registered and numbered in their resident state, are exempt from the registration and numbering requirements of this chapter. This exemption is valid only at the race site, on the day before and the day of a division authorized race.

R651-220-2. A sailboard is exempt from the registration and numbering requirements of this chapter.

73-18-10. Owner of boat livery - Duties.

(1) The owner of a boat livery shall keep a record of the following: the name and address of the person hiring any vessel; the identification number of the vessel; the vessel's departure date and time; and the vessel's expected time of return. The record shall be preserved for at least one year.

(2) Neither the owner of a boat livery, nor his agent or employee may permit any vessel to depart from the premises of the boat livery unless the owner has equipped it as required under this chapter and unless he has advised the lessee or renter of the vessel of all rules promulgated under this chapter which the lessee or renter must obey.

R651-221. Boat Livery Agreements.

R651-221-1. The owner of a boat livery or his representative shall provide a copy of the lease or rental agreement, signed by the owner or his representative and by the person leasing or renting the vessel. The lease or rental agreement shall contain the following information and be carried on board the vessel: the vessel's assigned number; the period of time for which the vessel is leased or rented; and a check-off list of the required safety equipment. The registration card may be retained on shore by the boat livery.

73-18-11. Regulation of muffling devices.

The board shall adopt rules for the regulating of muffling devices on all vessels.

R651-222. Muffling Requirements.

R651-222-1. Mufflers Required.

Every motorboat operated upon the waters of this State shall at all time be equipped with a muffler or a muffler system in good working order and in constant operation and effectively installed to prevent any excessive or unusual noise.

R651-222-2. Muffler Defined.

“Muffler” means a sound suppression device or system designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and prevents excessive or unusual noise.

R651-222-3. Maximum Sound Level SAE J2005.

No person shall operate or give permission for the operation of any motorboat upon the waters of this state in such a manner as to exceed the following noise levels:

(1) For engines manufactured before January 1, 1993, a noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by test SAE J2005; or

(2) for engines manufactured on or after January 1, 1993, a noise level of 88dB(A) when subjected to a stationary sound level test as prescribed by test SAE J2005.

R651-222-4. Maximum Sound Level SAE J1970.

After January 1, 1992 no person shall operate a motorboat on the waters of this state in such a manner as to exceed a noise level of 75dB(A) measured as specified in test SAE J1970. Provided, that such measurement shall not preclude a stationary sound level test as prescribed by SAE J2005.

R651-222-5. Muffler Bypass or Alteration Prohibited.

(1) No person shall operate or give permission for the operation of any motorboat upon the waters of this state that is equipped with an altered muffler, muffler cutout, muffler bypass, or other device designed or installed so that it can be used to continually or intermittently bypass; or reduce or eliminate the effectiveness of any muffler or muffler system installed on a motorboat.

(2) Rule R651-222-5 (1) shall not apply to a motorboat equipped with a muffler cutout, muffler bypass, or other device designed or installed so that it can be used to continually or intermittently bypass; or reduce or eliminate the effectiveness of any muffler or muffler system installed on a motorboat, if the mechanism has been permanently disconnected or made inoperable, where it cannot be operated in the manner described in Rule R651-222-5 (1).

R651-222-6. Muffler Removal Prohibited.

No person shall remove, alter, or otherwise modify in any way a muffler or muffler system on a motorboat, in a manner that will prevent the motorboat from complying with rule R651-222-3.

R651-222-7. Mufflers Required on Motorboats Sold.

(1) No person shall manufacture, sell, or offer for sale any motorboat:

(a) that is not equipped with a muffler or muffler system; or

(b) that does not comply with rule R651-222-3.

(2) This rule shall not apply to motorboats designed, manufactured and sold for the sole purpose of competing in racing events only and for no other purpose. Any motorboat exempted under this rule shall be documented as such in the sales agreement

and shall be formally acknowledged by signature of the buyer and seller and copies of the agreement shall be maintained by both parties. A copy of the agreement shall be kept on board whenever the motorboat is operated. Any motorboat sold under this exemption may only be operated on the waters of this State in accordance with rule R651-222-8.

R651-222-8. Muffler Exemptions.

Except as outlined in rule R651-222-7, the operational provisions of this rule shall not apply to:

(1) motorboats registered in and actually participating in a racing event authorized by the Division or scheduled tuneup periods prior to the racing event; or

(2) to a motorboat being operated by a boat or engine manufacturer for the purpose of testing and/or development and the testing has been authorized by the Division.

R651-222-9. Enforcement.

A peace officer who has reason to believe that a motorboat is being operated in excess of the noise levels established in rule R651-222-3, may direct the operator of the motorboat to submit the motorboat to an on-site test to measure the noise level. If the motorboat exceeds the established decibel level, in addition to issuing a summons, the officer may direct the operator to return to the point of embarkation and prohibit operation of the motorboat until the motorboat meets the established decibel level.

73-18-12. Reckless boating - Penalty.

No person may operate any vessel, or manipulate any water skis, aquaplane, or similar device in a willful or wanton disregard for the safety of persons or property. A violation of this section is a class B misdemeanor.

73-18-12.1. Local ordinances to be consistent with this chapter.

Any ordinance adopted by a local authority that governs a person's operation of a vessel while having alcohol in the blood or breath, or while under the influence of alcohol or drugs, shall be consistent with the provisions of this chapter.

73-18-12.2. Boating under the influence of alcohol or drugs or with high blood or breath alcohol content - Criminal punishment - Arrest without a warrant.

(1)(a) It is unlawful and punishable as provided in this section for any person to operate a vessel on the waters of this state if:

(i) the person has a blood or breath alcohol concentration of .08 grams or greater, as shown by any chemical test given within two hours after the alleged operation; or

(ii) the person is under the influence of alcohol or any drug or the combined influence of alcohol and any drug to a degree which renders the person incapable of safely operating a vessel.

(b) The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating this section.

(2) Alcohol concentration in the blood shall be based upon grams of alcohol per 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol per 210 liters of breath.

(3) For the purposes of this section, the standard of negligence is that of simple negligence, the failure to exercise that degree of care which an ordinarily reasonable and prudent person exercises under like or similar circumstances.

(4) (a) Every person who is convicted of a violation of Subsection (1) is guilty of a class B misdemeanor, however, if the person has inflicted a bodily injury upon another as a proximate result of having operated the vessel in a negligent manner, he is guilty of a class A misdemeanor.

(b) No portion of any sentence imposed under Subsection (4)(a) may be suspended.

(5) In addition to the penalties provided for in Subsection (4), the court shall, upon a first conviction of a violation of this section:

(a) impose a mandatory jail sentence of not less than 48 consecutive hours nor more than 240 hours, with emphasis on serving in the drunk tank of the jail, or require the person to work in a compensatory-service work program for not less than 24 nor more than 50 hours; and

(b) order the person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility.

(6) Upon a second conviction within five years after a first conviction under this section or under a local ordinance similar to this section adopted in compliance with Section 73-18-12.1, the court shall, in addition to the penalties provided for in Subsection (4):

(a) impose a mandatory jail sentence of not less than 240 consecutive hours nor more than 720 hours, with emphasis on serving in the drunk tank of the jail, or require the person to work in a compensatory-service work program for not less than 80 nor more than 240 hours; and

(b) order the person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility. The court may, in its discretion, order the person to obtain treatment at an alcohol rehabilitation facility.

(7) Upon a subsequent conviction within five years after a second conviction under this section or under a local ordinance similar to this section adopted in compliance with Section 73-18-12.1, the court shall, in addition to the penalties provided for in Subsection (4):

(a) impose a mandatory jail sentence of not less than 720 consecutive hours nor more than 2,160 hours with emphasis on serving in the drunk tank of the jail, or require the person to work in a compensatory-service work program for not less than 240 nor more than 720 hours; and

(b) order the person to obtain treatment at an alcohol rehabilitation facility.

(8) A person convicted of a violation of this section is not eligible for parole or probation until any sentence imposed under this section has been served. Probation or parole resulting from a conviction for a violation of this section or a local ordinance similar to this section adopted in compliance with Section 73-18-12.1 may not be terminated until all fines and fees, including fees for restitution and rehabilitation costs, assessed against the convicted person, have been paid.

(9) (a) The provisions in Subsections (5), (6), and (7) requiring a sentencing court to order a convicted person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility or to obtain treatment at an alcohol rehabilitation facility apply to a conviction for a violation of Section 73-18-12 that qualifies as a prior offense under Subsection (10). A court shall render the same order regarding education or treatment at an alcohol rehabilitation facility for a first, second, or subsequent conviction under Section 73-18-12 that qualifies as a prior offense under Subsection (10), as the court would render for a first, second, or subsequent conviction of a violation of Subsection (1).

(b) For purposes of determining whether a conviction under Section 73-18-12 which qualified as a prior conviction under Subsection (10) is a first, second, or subsequent conviction under this Subsection (9), a previous conviction under either Section 73-18-12 or 73-18-12.2 is considered a prior conviction. Any alcohol rehabilitation program and any community-based or other education program provided for in this section shall be approved by the Department of Human Services.

(10) (a) When the prosecution agrees to a plea of guilty or no contest to a charge of a violation of Section 73-18-12 or of a local ordinance similar to that section adopted in compliance with Section 73-18-12.1 the prosecution shall state for the record a factual basis for the plea, including whether there had been consumption of alcohol or drugs by the defendant in connection with the offense. The statement shall be an offer of proof of the facts which shows whether there was consumption of alcohol or drugs in connection with the offense.

(b) The court shall advise the defendant before accepting the plea offered under this subsection of the consequences of a violation of Section 73-18-12 as follows. If the court accepts the defendant's plea of guilty or no contest to a charge of violating Section 73-18-12, and the prosecutor states for the record that there was consumption of alcohol or drugs by the defendant in connection with the offense, the resulting conviction is a prior offense for the purposes of Subsection (9).

(11) A peace officer may, without a warrant, arrest a person for a violation of this section when the peace officer has probable cause to believe the violation has occurred, although not in his presence, and if the peace officer has probable cause to believe that the violation was committed by the person.

73-18-12.3. Standards for chemical breath analysis - Evidence.

(1) The commissioner of public safety shall establish standards for the administration and interpretation of chemical analysis of a person's breath including standards of training.

(2) In any action or proceeding in which it is material to prove that a person was operating a vessel while under the influence of alcohol or with a blood or breath alcohol content statutorily prohibited, documents offered as memoranda or records of acts, conditions, or events to prove that the analysis was conducted in conformance with standards established under Subsection (1) are admissible if:

(a) the judge finds that they were made in the regular course of the investigation at or about the time of the act, condition, or event; and

(b) the source of information from which made and the method and circumstances of their preparation indicate their trustworthiness.

(3) If the judge finds that the standards established under Subsection (1) and the conditions of Subsection (2) have been met, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.

73-18-12.4. Admissibility of chemical test results in actions for boating under the influence or with a prohibited blood or breath alcohol content - Weight.

(1) In any action or proceeding in which it is material to prove that a person was operating a vessel while under the influence of alcohol or with a blood or breath alcohol content statutorily prohibited, the results of any chemical test as authorized in Section 73-18-12.6 are admissible as evidence.

(2) If the chemical test was taken more than two hours after the alleged operation, the test result is admissible as evidence of the person's blood or breath alcohol level at the time of the alleged operation, but the trier of fact shall determine what weight shall be given to the test results.

(3) The provisions of this section do not prevent a court from receiving any other admissible evidence as to a defendant's blood or breath alcohol level at the time of the alleged operation.

73-18-12.5. Municipal attorneys authorized to prosecute for violations of a local ordinance consistent with this chapter.

Attorneys of cities and towns may prosecute alleged violations of a local ordinance adopted in compliance with Section 73-18-12.1.

73-18-12.6. Implied consent to chemical tests for alcohol or drugs - Refusal to allow - Warning, report, revocation of registration - Court action on revocation - Person incapable of refusal - Results of test available - Who may give test - Evidence.

(1)(a) A person operating a vessel on the waters of this state is considered to have given his consent to any chemical test of his breath, blood, or urine for the purpose of determining whether he was operating a vessel while having a blood or breath alcohol content which is statutorily prohibited, or while under the influence of alcohol, any drug, or combination of alcohol and any drug, so long as the test is administered at the direction of a peace officer having grounds to believe that person to have been operating a vessel while having a blood or breath alcohol content which is statutorily prohibited, or while under the influence of alcohol, any drug, or combination of alcohol and any drug. A peace officer shall determine which test shall be administered.

(b) A person who has been requested under this section to submit to any chemical test of his breath, blood, or urine, does not have the right to select the test to be administered. The failure or inability of a peace officer to arrange for any specific test is not a defense with regard to taking a test requested by the peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test.

(2) If the person has been placed under arrest and has then been requested by a peace officer to submit to any one or more of the chemical tests provided in Subsection (1) and refuses to submit to any chemical test, the person shall be warned by the peace officer requesting the test that a refusal to submit to the test is admissible in civil or criminal proceedings as provided under Subsection (10)(b). Following this warning, unless the person immediately requests the chemical test as offered by a peace officer be administered, no test shall be given and the peace officer shall submit a sworn report, within five days after the date of the arrest, that he had grounds to believe the arrested person had been operating a vessel while having a blood or breath alcohol content which is statutorily prohibited, or while under the influence of alcohol or any drug, or combination of alcohol and any drug and that the person had refused to submit to any chemical test as set forth in Subsection (1).

(3) Within 20 days after receiving a sworn report from a peace officer to the effect that the person has refused any chemical test, the division shall notify the person of the date and time

of his hearing before the division. If at that hearing the division determines that the person was granted the right to submit to a chemical test and refused to submit to any test, or if the person fails to appear before the division as required in the notice, the division shall revoke the registration of any vessel registered in the person's name or any vessel registered jointly in his name and another person's name. Any registration revoked may not be renewed for a period of one year following the date of revocation. The division shall also assess against the person a fee of \$25 to cover administrative costs. The fee must be paid before any vessel registration is renewed.

(4) Any person whose registration has been revoked by the division under the provisions of this section shall have the right to file a petition within 30 days after the revocation for a hearing in the district court for the county in which the person resides. The court is hereby vested with jurisdiction, and it shall set the trial de novo upon ten days' written notice to the division and thereupon take testimony and examine the facts of the case and determine whether the petitioner's registration is subject to revocation under the provisions of this chapter. If the person obtains an unappealed court decision that the revocation was not proper, the fee provided in Subsection (3) shall be cancelled.

(5) Any person who is unconscious, or in any other condition rendering him incapable of refusing to submit to any chemical test is considered not to have withdrawn the consent provided for in Subsection (1), and any test may be administered whether or not the person has been arrested.

(6) Upon the request of the person who was tested, the results of his test shall be made available to him.

(7) Only a physician, registered nurse, practical nurse, or person authorized under Section 26-1-30, acting at the request of a peace officer, may withdraw blood for the purpose of determining alcoholic or drug content. This limitation does not apply to the taking of a urine or breath specimen. Any physician, registered nurse, practical nurse, or person authorized under Subsection 26-1-30 (19) who, at the direction of a peace officer, draws a sample of blood from any person whom the peace officer has reason to believe is operating a vessel in violation of this chapter, or hospital or medical facility at which the sample is drawn, is immune from any civil or criminal liability arising from it, if the test is administered according to standard medical practice.

(8) The person to be tested may, at his own expense, have a physician of his own choosing administer any chemical test in addition to any test administered at the direction of the peace officer. The failure or inability to obtain the additional test does not affect admissibility of the results of any test taken at the direction of a peace officer, nor should it preclude or delay any test to be taken at the direction of a peace officer. Any additional test shall be administered subsequent to any test administered at the direction of the peace officer.

(9) For the purpose of determining whether to submit to any chemical test, the person to be tested does not have the right to consult an attorney nor is the person permitted to have an attorney, physician, or other person present as a condition for the taking of any test.

(10) (a) If a person under arrest has been requested by a peace officer to submit to a breath test only, and the person does take the breath test, the peace officer may request additional tests of the person's blood and urine for the purposes of detecting the presence of drugs or alcohol.

(b) If a person under arrest refuses to submit to any chemical test under this section, evidence of refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating a vessel while under the influence of alcohol or any drug or combination of alcohol and any drug.

73-18-12.7. Operating under the influence - Seizure and impoundment of vessel.

(1) If a peace officer arrests or cites the operator of a vessel for violating Section 73-18-12.2 or a local ordinance similar to Section 73-18-12.2, which complies with Section 73-18-12.1, the peace officer shall seize and impound the vessel. If necessary for transportation of the vessel for impoundment, the vessel's trailer may be used to transport the vessel.

(2) If a registered owner of the vessel, other than the driver, is present at the time of arrest, the peace officer may release the vessel to that registered owner, but only if:

(a) the registered owner:

(i) requests removal of the vessel from the scene;

(ii) presents to the peace officer sufficient identification to prove ownership of the vessel; and

(iii) would not, in the judgment of the peace officer, be in violation of Section 73-18-12.2 or a local ordinance adopted in compliance with Section 73-18-12.1, if permitted to operate the vessel; and

(b) the vessel is legally operable.

(3)(a) Any peace officer who impounds a vessel under this section shall remove, or cause the vessel to be removed, to the nearest accessible docking area, public or private garage, state impound lot, or other approved storage facility that meets the standards set by rule by the Motor Vehicle Division of the State Tax Commission, or if there is none, another reasonably safe place. The standards set by the Motor Vehicle Division shall be fair and reasonable and shall be unrestrictive as to the number of docking or other impoundment areas per geographical area.

(b) The peace officer or agency by whom the peace officer is employed shall within 24 hours after the seizure notify the Motor Vehicle Division of the seizure and impoundment. The notice shall set forth:

- (i) the operator's name;
- (ii) a description of the vessel, its identification number, if any, and its assigned number;
- (iii) the date, time, and place of impoundment;
- (iv) the reason for impoundment; and
- (v) the location of the dock or other place where the vessel is stored.

(4) Upon receipt of the notice, the Motor Vehicle Division shall give notice to the registered owner of the vessel in the same manner as prescribed for vehicles by Section 41-1-16. The notice shall:

(a) set forth:

- (i) the date, time, and place of impoundment;
- (ii) the name of the person operating the vessel at the time of seizure;
- (iii) the reason for seizure and impoundment; and
- (iv) the location where the vessel is stored;

(b) inform the registered owner that he is responsible for payment of transportation charges, impound fees, and storage fees charged against the vessel; and

(c) inform the registered owner of the vessel of the conditions prescribed in Subsection (5) which must be satisfied before the vessel may be released.

(5)(a) The impounded vessel shall be released after the registered owner or the owner's agent:

- (i) makes a claim for release of the vessel at any state office designated by the Motor Vehicle Division;
- (ii) pays an impound fee of \$25;

(iii) presents identification sufficient to prove ownership of the impounded vessel; and

(iv) pays all transportation, impound, and storage fees.

(b) The transportation and storage fees shall be paid to the docking area or other storage facility where the vessel is stored. All impound fees assessed under this subsection are dedicated revenue to the Motor Vehicle Division.

(6)(a) Any impounded vessel not claimed by the registered owner or the owner's agent within 30 days shall be sold in accordance with the procedures specified in Section 41-1a-1103 for the sale of impounded motor vehicles.

(b) The proceeds, if any, shall be disposed of in the manner specified in Section 41-1-1104.

(c) The date of impoundment is considered the date of seizure for purposes of computing the time period.

(7)(a) Transportation and storage fees shall be established by the Motor Vehicle Division and shall be reviewed by the Motor Vehicle Division annually to ensure equity for vessel owners and transportation and storage operators.

(b) Transportation, impound fees, or storage fees are a lien on the vessel.

(8) The registered owner of the vessel, upon the payment of all fees and charges incurred in the seizure and impoundment of the owner's vessel, has a cause of action for all the fees and charges, together with damages, court costs, and attorney fees, against the operator of the vessel whose actions caused the impoundment.

(9) Liability may not be imposed upon any peace officer, the State, or any of its political subdivisions on account of the enforcement of this section.

73-18-12.8. Removal or impoundment of vehicle used to tow a vessel which is impounded.

A vehicle used to tow a vessel which is impounded under this chapter may be removed under the provisions of Subsection 41-6-44.30 (2), but if no person is able to move the vehicle under that section, the vehicle may be impounded if leaving it unattended is contrary to the safety of the public.

73-18-13. Duties of operator involved in accident - Notification and reporting procedure - Use of accident reports - Penalty for giving false information.

(1) It is the duty of the operator of a vessel involved in an accident, if he can do so without seriously endangering his own vessel, crew, or passengers, to render aid to those affected by the accident as may be practicable. The operator shall also give his name, address, and

identification of his vessel in writing to any person injured or to the owner of any property damaged in the accident.

(2) The board shall adopt rules governing the notification and reporting procedure for vessels involved in accidents. Such rules shall be consistent with federal requirements.

R651-223. Vessel Accident Reporting.

R651-223-1. An operator shall immediately and by the quickest means of communication available notify the nearest state park ranger or other law enforcement officer of an accident that involves a vessel or its equipment when one of the following occurs: a person dies or disappears from a vessel under circumstances that indicate death; a person is injured and receives medical treatment beyond first aid; or property is damaged in excess of \$500.

This notification shall include:

- (a) the date, time, and location of the occurrence;
- (b) the name of each person who died or disappeared;
- (c) the assigned number of the vessel; and
- (d) the name and address of the owner and operator.

R651-223-2. If the operator cannot provide this notification, then another person on board shall make the notification required in rule R651-223-1.

R651-223-3. The operator, owner, or other person on board shall submit a completed and signed Owner/Operator Boating Accident Report (PR-53A) to the division within 10 days of the accident.

73-18-13. (3) All accident reports shall be for the confidential use of the division or other state agencies having use for the records for accident prevention purposes, except that the division may disclose the identity of a person involved in an accident when the person's identity is not otherwise known or when the person denies his presence at the accident. No report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the division shall furnish upon demand of any person who has, or claims to have, made the report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the division solely to prove a compliance or a failure to comply with the requirement that a report be made to the division. Reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (4).

(4) Any person who gives false information, knowingly or having reason to believe it is false, in an oral or written report as required in this chapter, is guilty of a class A misdemeanor.

73-18-13.5. Personal watercraft accidents -- Investigation and report of operator security -- Agency action if no security -- Surrender of registration materials.

(1) Upon request of a peace officer investigating an accident involving a personal watercraft, the operator of the personal watercraft shall provide evidence of the owner's or operator's security required under Section 73-18c-301.

(2) The peace officer shall record on a form approved by the division:

- (a) the information provided by the operator;
- (b) whether the operator provided insufficient or no information; and
- (c) whether the peace officer finds reasonable cause to believe that any information given is not correct.

(3) The peace officer shall deposit all completed forms with the peace officer's agency, which shall forward the forms to the division no later than ten days after receipt.

(4) (a) The division shall revoke the registration of a personal watercraft involved in an accident unless the owner or operator can demonstrate to the division compliance with the owner's or operator's security requirement of Section 73-18c-301 at the time of the accident.

(b) Any registration revoked may not be renewed for a period of one year following the date of revocation.

(5) A person may appeal a revocation issued under Subsection (4) in accordance with procedures established by the board by rule that are consistent with Title 63, Chapter 46b, Administrative Procedures Act.

(6) (a) Any person whose registration is revoked under Subsection (4) shall return the registration card and decals for the personal watercraft to the division.

(b) If the person fails to return the registration materials as required, they shall be confiscated under Section 73-18-13.6.

(7) The board may make rules for the enforcement of this section.

(8) In this section, "evidence of owner's or operator's security" includes any one of the following:

- (a) the operator's:
 - (i) insurance policy;

- (ii) binder notice;
- (iii) renewal notice; or
- (iv) card issued by an insurance company as evidence of insurance;
- (b) a copy of a surety bond, certified by the surety, which conforms to Section 73-18c-103;
- (c) a certificate of the state treasurer issued under Section 73-18c-305; or
- (d) a certificate of self-funded coverage issued under Section 73-18c-306.

73-18-13.6. Grounds for confiscation of registration materials by state -- Additional fee for reinstatement.

(1) (a) The division, any peace officer acting in an official capacity, or a person authorized under Subsection (2) may take possession of any registration card or decal issued by the state:

- (i) upon revocation of it;
- (ii) that is fictitious;
- (iii) that has been unlawfully or erroneously issued; or
- (iv) that is unlawfully or erroneously displayed.

(b) A receipt shall be issued that describes each confiscated item.

(2) The division may enter into contractual agreements with constables or other law enforcement agencies to facilitate confiscation of items listed in Subsection (1) if a person fails or refuses to surrender any of those documents to the division upon demand.

(3) The division shall assess against a person making an application to renew a registration, a fee, which shall be paid before the person's registration is renewed, to cover any costs of confiscating that person's registration materials.

73-18-14. Transmittal of information to official or agency of United States.

In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the division under Subsection 73-18-13 (2) shall be transmitted to the official or agency of the United States.

73-18-15. Board to adopt rules concerning water skiing and aquaplane riding and use of other devices towed behind a vessel.

The board shall adopt rules for the regulation and safety of water skiing and aquaplane riding, and the use of other devices which are towed behind a vessel.

R651-224. Towed Devices.

R651-224-1. The operator of a vessel which is towing a person on water skis or other devices shall be responsible for maintaining a safe course with proper lookout. The progress of the person under tow shall be reported to the vessel operator by an onboard observer who is at least eight years of age.

R651-224-2. The operator of a vessel shall not tow water skiers or other devices between sunset and sunrise.

R651-224-3. A flag shall be displayed by the observer in a visible manner to other boaters in the area while the person to be towed is in the water, either preparing to be towed or finishing a tow. The flag shall be international orange at least 12 inches square and mounted on a handle.

R651-224-4. The operator of a vessel which is towing a person(s) on water skis or other devices shall require each person who is water skiing or using other devices to wear a United States Coast Guard approved personal flotation device (PFD), except an inflatable PFD may not be used.

R651-224-5. The operator of a vessel which is towing a person(s) on water skis or other devices shall use a vessel with sufficient carrying capacity, as defined by the manufacturer, for the occupant(s) onboard and the person(s) being towed.

73-18-15.1. Promulgation of rules.

The board may promulgate vessel navigation and steering rules for the waters of the state.

R651-225. Navigation and Steering Rules.

R651-225-1. Rules of the Road.

(1) The operator of a vessel shall maintain a proper lookout by sight and hearing at all times to avoid the risk of collision.

(2) When two motorboats approach each other where there is risk of collision, each shall alter course to the starboard and pass on the port side of the other.

(3) When two motorboats are crossing paths and are at risk of a collision, the vessel which has the other vessel on its starboard side shall keep out of the way and yield right-of-way if necessary.

(4) The operator of any vessel overtaking any other vessel shall keep out of the way of the vessel being overtaken.

(5) A motorboat underway shall keep out of the way of sailboats and vessels not under command.

(6) A sailboat underway shall keep out of the way of vessels not under command.

(7) Where one of two vessels is to keep out of the way, the other vessel operator shall maintain his course and speed unless it becomes apparent the other vessel is not taking the appropriate action.

(8) In narrow channels vessels underway shall keep to the right of the middle of the channel.

(9) The operator of a vessel shall proceed at a safe speed at all times so that he can take proper and effective action to avoid collision and stop at an appropriate distance from the prevailing circumstance or condition.

(10) When two sailboats are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(a) when each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(b) when both have the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to leeward; and

(c) if the operator of a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, the operator shall keep out of way of the other vessel.

Note: For the purpose of Rule R651-225-1 (10), the windward side shall be the side opposite that on which the mainsail is carried.

R651-225-2. Speed and Proximity.

The operator of any vessel shall not exceed a wakeless speed when within 150 feet of: another vessel; a person in or floating on the water; a water skier (except those he is towing); a shore fisherman; a launching ramp; a dock; or a designated swimming area.

R651-225-3. Wake Damage.

The operator of a motorboat is responsible for any damage and/or injury caused by the wake produced by his vessel.

R651-225-4. Operator and Passenger Seating.

(1) The operator of a motorboat less than 16 feet in length shall not exceed a wakeless speed while any person is riding upon the bow decking, gunwales, transom, seatbacks, or motor cover. This rule also applies to motorboats 16 feet to 65 feet in length unless the vessel is designed or equipped with adequate safeguards such as rails, which would prevent a person from falling overboard.

(2) If a person is riding upon the bow decking of a motorboat which does not have designed seating for passengers, the person shall straddle one of the upright supports of the bow rail and must not block the vision of the operator.

73-18-15.2. Minimum age of operators without supervision - Exception.

(1) (a) Except as provided in Subsection (2), a person under 16 years of age may operate a motorboat on the waters of this state, if he is accompanied by a person who is at least 18 years of age.

(b) A person under 16 years of age may operate a sailboat, if he is under the direct supervision of a person who is at least 18 years of age.

(2) A person under 16 years of age and 12 years of age or older may operate a personal watercraft provided he:

(a) is under the direct supervision of a person who is at least 18 years of age;

(b) completes a boating safety course approved by the division; and

(c) has in his possession a boating safety certificate issued by the boating safety course provider.

(3) A person under 18 years of age and 16 years of age or older may operate a personal watercraft, if he:

(a) completes a boating safety course approved by the division; and

(b) has in his possession a boating safety certificate issued by the boating safety course provider.

(4) A person required to attend a boating safety course under Subsection (3)(a) need not be accompanied by a parent or legal guardian while completing a boating safety course.

(5) No person may give permission to another person to operate a vessel in violation of this section.

(6) As used in this section, "direct supervision" means oversight at a distance within which visual contact is maintained.

(7)(a) The division may collect a fee not to exceed \$12 from each person who takes the division's boating safety course to help defray the cost of the boating safety course.

(b) Money collected from the fee collected under Subsection (7)(a) shall be deposited in the Boating Account.

R651-227-1. Boating Safety Course Fees.

(1) The fee for the personal watercraft education course is \$12.

(2) The fee to replace a lost or stolen personal watercraft education certificate is \$5.

73-18-15.3. Personal watercraft - Prohibition on operation between sunset and sunrise.

A person may not operate a personal watercraft on the waters of this state between sunset and sunrise.

73-18-16. Regattas, races, exhibitions - Rules.

The division may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments, or exhibitions on any waters of this state. The board may adopt rules concerning the safety of vessels and persons, either as observers or participants.

R651-226. Regattas and Races.

R651-226-1. Authorization to hold a marine event shall be obtained from the division as well as from any other person or agency who owns or administers the land adjacent to the marine event.

73-18-17. Scope of application of chapter - Identical local ordinances authorized - Application for special local rules.

(1) This chapter, and other applicable laws of this state govern the operation, equipment, and numbering of vessels whenever any vessel is operated on the waters of this state, or when any activity regulated by this chapter takes place on the waters of this state. Nothing in this chapter prevents the adoption of any ordinance or local law relating to operation and equipment of vessels, the provisions of which are identical to the provisions of this chapter, amendments to this chapter, and rules promulgated under this chapter. Ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this chapter, amendments to this chapter, and rules promulgated under this chapter.

(2) Any political subdivision of this state may, at any time, but only after public notice, formally apply to the board for special rules concerning the operation of vessels on any waters within its territorial limits. The political subdivision shall set forth in the application the reasons which make special rules necessary or appropriate.

73-18-18. Liability of owner for injury or damage occasioned by negligent operation of vessel by minor.

The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, by a minor under the age of 18 years operating such vessel with the express or implied consent of the owner, whether under the laws of this state or by neglecting to observe such ordinary care and such operation as the rules of common law require.

73-18-19. Publication and filing of rules and regulations.

The rules promulgated under this chapter shall be published as required by Chapter 46a, Title 63, the Utah Administrative Rulemaking Act.

73-18-20. Enforcement of act - Authority to stop and board vessels - Disregarding law enforcement signal to stop as a misdemeanor - Procedure for arrest.

(1) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce the provisions of this chapter and the rules promulgated under this chapter.

(2) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, has the authority to stop and board any vessel subject to this chapter, whether the vessel is on water or land. If that officer determines the vessel is overloaded, unseaworthy, or the safety equipment required by this chapter or rules of the board is not on the vessel, that officer may prohibit the launching of the vessel or stop the vessel from operating.

(3) An operator who, having received a visual or audible signal from a law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to bring his vessel to a stop, operates his vessel in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vessel or endanger any person, or who attempts to flee or elude the officer whether by vessel or otherwise is guilty of a class A misdemeanor.

(4) Whenever any person is arrested for any violation of the provisions of this chapter or of the rules promulgated under this chapter, the procedure for arrest is the same as outlined in Sections 41-6-166 through 41-6-169.

73-18-20.1. Seizure of a vessel.

(1) A peace officer, without a warrant, may seize and take possession of a vessel:

(a) that is placed or being operated on the waters of this state with improper registration;

(b) that the peace officer has reason to believe has been stolen;

(c) on which any hull identification number or serial number for an engine or outboard motor has been defaced, altered, or obliterated;

(d) that has been abandoned on public land, highways, or waters of this state; or

(e) if the registration or title fees for the vessel or outboard motor have not been paid.

(2) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.

(3) Any peace officer seizing or taking possession of a vessel under this section shall immediately notify the Motor Vehicle Division of the State Tax Commission of the action and shall impound the vessel at a docking area, public or private garage, state impound lot, or other storage facility approved by the Motor Vehicle Division.

73-18-20.2. Release and sale of a seized vessel.

(1) A vessel seized under Section 73-18-20.1 shall remain impounded until:

(a) the vessel's registration has been properly completed and the appropriate fees have been paid; or

(b) the ownership of the vessel is established to the satisfaction of the division or its authorized agent.

(2) If the hull identification number or serial number for the engine or outboard motor has been defaced, altered, or obliterated, the vessel may not be released until:

(a) the original manufacturer's hull identification number or engine or outboard motor serial number has been replaced; or

(b) a new number assigned by the division or its authorized agent has been provided and has been affixed to the vessel, engine, or outboard motor.

(3)(a) Any seized vessel not claimed by the registered owner or the owner's agent within 30 days shall be sold and handled in accordance with the procedures specified in Sections 41-1-117 through 41-1-119 for the sale of impounded motor vehicles.

(b) The proceeds, if any, shall be disposed of in the same manner as under Section 41-1-117.

(c) Transportation, impound fees, or storage fees are a lien on the vessel.

73-18-20.3. Falsified hull identification, engine, or motor number.

(1) A person is guilty of a third degree felony if he:

(a) with fraudulent intent defaces, destroys, or alters a vessel hull identification number or serial number for an engine or outboard motor;

(b) places or stamps any vessel hull identification number upon a vessel or serial number upon an engine or outboard motor, except one assigned by the division or its authorized agent;

(c) knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any vessel, or engine or outboard motor removed from a vessel, from which the vessel hull identification number or engine or outboard motor serial number, has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the vessel, engine, or outboard motor;

(d) with intent to procure or pass title to a vessel or outboard motor, receives or transfers possession of a vessel or outboard motor which he knows or has reason to believe has been stolen or unlawfully taken; or

(e) has in his possession a vessel or outboard motor which he knows or has reason to believe has been stolen or unlawfully taken, unless the person is a peace officer engaged at the time in the performance of his duty.

(2)(a) This section does not prohibit the restoration by an owner of an original vessel hull identification number or manufacturer's serial number for an engine or outboard motor if the restoration is made by application to the division or its authorized agent.

(b) This section does not prohibit any manufacturer from placing, in the ordinary course of business, numbers or marks upon vessels, motors, outboard motors, or parts.

73-18-20.4. Duty to report falsified vessel or motor number.

Any person owning or operating a marina, marine dealership, service station, public garage, paint shop, or a vessel repair shop shall immediately notify the local police authorities of any vessel or outboard motor that has any numbers that have apparently been altered, obliterated, or removed.

73-18-20.5. Reporting of theft and recovery of vessels.

(1)(a) Any peace officer upon receiving reliable information that any vessel or outboard motor has been stolen shall immediately report the theft to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.

(b) Any peace officer upon receiving information that any vessel or outboard motor which was previously reported as stolen has been recovered shall immediately

report the recovery to his law enforcement agency and to the Criminal Investigations and Technical Services Division.

(2) The reporting and recovery procedures for vessels and outboard motors shall be the same as those specified in Section 41-1a-1401 for motor vehicles.

73-18-20.6. Report by owners or lien holders of thefts and recoveries.

(1) The owner, or person having a lien or encumbrance upon a registered vessel or outboard motor which has been stolen or embezzled, may notify the law enforcement agency having jurisdiction where the theft or embezzlement occurred. If a vessel or outboard motor was embezzled, a report may be made only after having procured the issuance of a warrant for the arrest of the person charged with the embezzlement.

(2) Any person who has given any notice under Subsection (1) shall notify the law enforcement agency where the theft or embezzlement was reported of a recovery of the vessel or outboard motor.

73-18-20.7. Unlawful control over vessels - Penalties - Effect of prior consent - Accessory or accomplice.

(1) Any person who exercises unauthorized control over a vessel, not his own, without the consent of the owner or lawful custodian and with intent to temporarily deprive the owner or lawful custodian of possession of the vessel, is guilty of a class A misdemeanor.

(2) An offense under this section is a third degree felony if the actor does not return the vessel to the owner or lawful custodian within 24 hours after the exercise of unauthorized control.

(3) The consent of the owner or legal custodian of a vessel to its control by the actor is not in any case presumed or implied because of the owners or legal custodians consent on a previous occasion to the control of the vessel by the same or a different person.

(4) Any person who assists in, or is a party or accessory to or an accomplice in, an unauthorized taking or operating of a vessel is guilty of a class A misdemeanor.

73-18-21. Violation - Class B misdemeanor.

Unless otherwise specified, any person who violates any provision of this chapter or rule promulgated under this chapter is guilty of a class B misdemeanor.

73-18-22. Boating Account created - Contents - Use of money.

(1) There is created within the General Fund a restricted account known as the Boating Account.

(2) Except as provided under Section 73-18-24, all registration fees and related moneys collected by the division or any authorized agent, less the costs of collecting motorboat and sailboat registration fees by an authorized agent, shall be deposited into the Boating Account.

(3) The amount retained by an authorized agent may not exceed 20% of the fees charged in Section 73-18-7.

(4) Money in the Boating Account may be used for:

(a) the construction, improvement, operation, and maintenance of publicly owned boating facilities;

(b) boater education; and

(c) the payment of the costs and expenses of the division in administering and enforcing this chapter.

73-18-23. Separability clause.

If any provision of this act, or the application of any provision to any person or circumstance, is held invalid, the rest of this act shall not be affected thereby.

73-18-24. Search and rescue fee - Amount - Deposition.

(1) In addition to the fee imposed under Section 73-18-7, there is imposed a search and rescue fee of 50 cents on each motorboat or sailboat required to pay the fee imposed under Subsection 73-18-7(2) to be registered or renewed under Section 73-18-7.

(2) The fees imposed under this section shall be collected in the same manner and by the same agency designated to collect the fees imposed under this chapter.

(3) The fees collected under this section shall be deposited in the General Fund as dedicated credits for the Search and Rescue Financial Assistance Program created under Section 53-2-107.

**UTAH
BOATING-LITTER
AND
POLLUTION CONTROL LAWS**
(Updated as of April 2001)
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UTAH
BOATING LITTER
AND
POLLUTION CONTROL ACT

TITLE 73, CHAPTER 18a, UTAH CODE ANNOTATED 1953
As Amended

Updated as of April 2001

73-18a-1. Definitions.

As used in this chapter:

- (1) "Board" means the Board of Parks and Recreation.
- (2) "Division" means the Division of Parks and Recreation.
- (3) "Human body waste" means excrement, feces, or other waste material discharged from the human body.
- (4) "Litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, or similar refuse discarded as no longer useful.
- (5) "Marine toilet" means any toilet or other receptacle permanently installed on or within any vessel for the purpose of receiving human body waste. This term does not include portable toilets which may be removed from a vessel in order to empty its contents.
- (6) "Operate" means to navigate, control, or otherwise use a vessel.
- (7) "Operator" means the person who is in control of a vessel while it is in use.
- (8) "Owner" means a person, other than a lien holder, holding a proprietary interest in or the title to a vessel. The term does not include a lessee under a lease not intended as security.
- (9) "Vessel" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(10) “Waters of this state” means all waters within the territorial limits of this state except those used exclusively for private purposes.

73-18a-2. Littering and pollution of water or lands prohibited - Penalty.

(1) A person may not place, throw, deposit, discard, drop, or discharge and the operator of a vessel may not permit to be placed, thrown, deposited, discarded, dropped, or discharged into or upon the waters of this state, or lands adjacent to these waters, any litter, human body waste, or other liquid or solid materials which may render the water or lands unsightly, noxious, or otherwise unwholesome or detrimental to the public health or welfare or the enjoyment of the water or lands for all legitimate uses, including recreational purposes.

(2) A person violating any provision of Subsection (1) is guilty of a class B misdemeanor and shall be fined not less than \$100 for each violation.

73-18a-3. Marine toilets - Use without pollution control device prohibited - Containers of body waste - Discharge into waters prohibited.

(1) No marine toilet on any vessel used or operated upon the waters of this state may be operated so as to discharge any inadequately treated human body waste into or upon waters of this state directly or indirectly.

(2) No person owning or operating a vessel with a marine toilet may use, or permit the use of, a toilet on the waters of this state, unless the toilet is equipped with facilities that will adequately treat, hold, incinerate, or otherwise handle human body waste in a manner that is capable of preventing water pollution.

(3) No container of human body waste may be placed, left, discharged or caused to be placed, left, or discharged into or upon any waters of this state or lands adjacent to these waters by any person at any time.

73-18a-4. Marine toilets - Pollution control devices required - Rules established by board.

(1) Every marine toilet on a vessel used or operated upon the waters of this state shall be equipped with an approved pollution control device in operative condition.

(2) The board shall make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, as provided in this chapter, establishing criteria or standards for definition and approval of acceptable pollution control devices for vessels.

73-18a-5. Chemical treatment of marine toilet contents - Rules established by board and Department of Environmental Quality.

The board shall establish by rule, in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, with approval by the Department of Environmental Quality, as provided in this chapter, standards relating to chemical treatment of marine toilet contents.

73-18a-6. Repealed.

73-18a-7. Repealed.

73-18a-8. Public marinas - Duty to maintain waste disposal facilities.

The owner or whoever is lawfully vested with the possession, management, or control of a public marina or other public waterside facility used by a vessel for launching, docking, mooring, and related purposes shall be required to have, and properly maintain, waste receptacles or similar devices of proper design for the depositing of waste, litter, and human body waste, as required at locations where they can be conveniently used by a vessel's occupants. Waterside toilet facilities may be required if their absence contributes to or creates unsightliness or a hazard to the public health and welfare.

73-18a-9. Public educational program.

The division may undertake and enlist the support and cooperation of all agencies, political subdivisions, and organizations to conduct a public educational program designed to inform the public of the undesirability of depositing trash, litter, and other objectionable materials in the waters of this state and the penalties provided by this chapter for such action. The division may use funds provided by the Legislature for this purpose. The division may utilize all means of communication in the conduct of this program.

73-18a-10. Enforcement - Inspection of vessels, marinas, and other boating facilities.

Enforcement of this chapter or the rules promulgated under it shall be by law enforcement officers. Any vessel in this state is subject to inspection by the officers for the purpose of determining whether the vessel is equipped in compliance with this chapter. If the vessel is not so equipped, the division may suspend its registration until the proper installation is completed or the marine toilet is sealed in a manner which prohibits its use. The division may inspect marinas or other waterside public facilities used by vessels for launching, docking, or mooring purposes to determine whether they are adequately equipped for proper handling, storing, or disposal of waste, litter, or human body waste.

73-18a-11. Regulation by political subdivisions prohibited - Exception.

Through the passage of this chapter, the state fully reserves to itself the exclusive right to establish requirements concerning the disposal of human body waste and litter from a vessel. To ensure statewide uniformity of the disposal of litter or human body waste from a vessel, regulation, other than the adoption for local enforcement of state rules, by any political subdivision of the state is prohibited.

73-18a-12. Rules promulgated by board - Subject to approval by Department of Environmental Quality.

The board may promulgate rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, which are necessary for the carrying out of duties, obligations, and powers conferred on the division by this chapter. These rules shall be subject to review and approval by the Department of Environmental Quality. This approval shall be recorded as part of the rules.

73-18a-13. Publication of rules.

The rules promulgated under this chapter shall be published as required by the Utah Administrative Rulemaking Act.

73-18a-14. Violation - Class B misdemeanor.

Unless otherwise specified, any person who violates any provision of this chapter or rule promulgated under this chapter is guilty of a class B misdemeanor.

73-18a-15. Arrest for violation - Procedure.

Whenever any person is arrested for any violation of the provisions of this chapter or rule promulgated under this chapter, the procedure for arrest is the same as specified in Sections 41-6-166 through 41-6-169.

73-18a-16. Repealed.

73-18a-17. Repealed.

73-18a-18. Act supplemental to other laws.

This act shall not be construed as repealing any laws of the state relating to the pollution or littering of waters or lands thereof or any conservation laws, but shall be held and construed as auxiliary and supplemental thereto.

73-18a-19. Repealed.

UTAH
WATER SAFETY LAWS AND RULES
 (Updated as of April 2001)
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UTAH
WATER SAFETY ACT
AND
BOARD OF PARKS & RECREATION RULES

TITLE 73, CHAPTER 18b, UTAH CODE ANNOTATED 1953
As Amended

Updated as of April 2001

Note: Rules of the Board are preceded by R651

73-18b-1. Water safety rules and regulations - Adoption.

(1) The Board of Parks and Recreation may make rules necessary to promote safety in swimming, scuba diving, and related activities on any waters where public boating is permitted.

(2) The commission (board) may consider recommendations of and cooperate with other state agencies and the owners or operators of those waters.

R651-801. Swimming Prohibited.

R651-801-1. No person shall engage in swimming activity in any of the following:

- (1) a designated “No Swimming” area;
- (2) a vessel launching, docking, mooring, or harbor area; or
- (3) near or in spillways or outlets.

R651-802. Scuba Diving.

R651-802-1. Diver's Flag and Diver Certification.

(1) A scuba diver shall display a diver's flag prior to diving activity and shall dive and surface in close proximity to the flag.

(2) No person shall place a diver's flag on the waters of this state unless diving activity is in progress in that area.

(3) If a diver's flag is placed after sunset or before sunrise, it shall be lighted.

(4) No person shall place a diver's flag in any area where boating activity might be unduly restricted.

(5) No scuba diver shall dive in a congested boating or fishing area such as narrow channels, launching or docking areas, or near reservoir outlets.

(6) No person shall scuba dive in any waters of this state unless he holds a valid certificate from an accredited scuba diving school or is in the company of a certified scuba diving instructor.

73-18b-2. Filing and publishing regulations.

A copy of the regulations adopted pursuant to this act and any amendments thereto shall be filed in the office of the commission and with the Division of Archives and shall be published in a convenient form.

73-18b-3. Violation of regulations - Misdemeanor.

Any person who violates any rules made by the Board of Parks and Recreation under authority of this chapter is guilty of a class B misdemeanor.

73-18b-4. Enforcement of regulations.

(1) The Board of Parks and Recreation shall designate officers to enforce board rules made under the authority of this chapter.

(2) Those officers have the same authority in making arrests and responsibility in arrest procedures as they have in their other enforcement activities.

UTAH
AUTOMOBILE HOMICIDE

Updated January 1999

76-5-207. Automobile homicide.

(1) (a) Criminal homicide is automobile homicide, a third degree felony, if the actor operates a motor vehicle while having a blood alcohol content of .08% or greater by weight, or while under the influence of alcohol, any drug, or the combined influence of alcohol and any drug, to a degree that renders the actor incapable of safely operating the vehicle, and causes the death of another by operating the vehicle in a negligent manner.

(b) For the purpose of this subsection, "negligent" means simple negligence, the failure to exercise that degree of care that reasonable and prudent persons exercise under like or similar circumstances.

(2) (a) Criminal homicide is automobile homicide, a second degree felony, if the actor operates a motor vehicle while having a blood alcohol content of .08% or greater by weight, or while under the influence of alcohol, any drug, or the combined influence of alcohol and any drug, to a degree that renders the actor incapable of safely operating the vehicle, and causes the death of another by operating the motor vehicle in a criminally negligent manner.

(b) For the purpose of this subsection, "criminally negligent" means criminal negligence as defined by Subsection 76-2-103(4).

(3) The standards for chemical breath analysis as provided by Section 41-6-44.3 and the provisions for the admissibility of chemical test results as provided by Section 41-6-44.5 apply to determination and proof of blood alcohol content under this section.

(4) Percent by weight of alcohol in the blood is based upon grams of alcohol per one hundred cubic centimeters of blood.

(5) The fact that a person charged with violating this section is on or has been legally entitled to use alcohol or a drug is not a defense to any charge of violating this section.

(6) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by Rules of Evidence or the constitution.

(7) For purposes of this section, "motor vehicle" means any self-propelled vehicle and includes any automobile, truck, van, motorcycle, train, engine, *watercraft*, or aircraft.